

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>SCOTT JONES,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
	)	
<b>vs.</b>	)	<b>CASE NO. 3:03-1251</b>
	)	<b>JUDGE TRAUGER/KNOWLES</b>
	)	
	)	
<b>WIRELESS RETAIL, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

**REPORT AND RECOMMENDATION**

Judge Trauger previously granted Plaintiff's Motion for Default (Docket No. 41) and referred this matter to the undersigned for the determination of the amount of damages to be awarded to Plaintiff. Docket No. 42. The undersigned held an evidentiary hearing on January 24, 2006, at which time Plaintiff appeared and testified concerning his damages.

Based upon the undisputed proof adduced at the hearing, the undersigned recommends that a judgment in the total amount of \$399,946.56 be entered for Plaintiff against Defendant.

This total is comprised of the following amounts:

- (1) Medical expenses in the amount of \$17,648.48;
- (2) Back pay in the amount of \$124,426.50;<sup>1</sup>
- (3) Damages for mental anguish and emotional distress in the amount of \$200,000.00;
- (4) Liquidated damages in the amount of \$28,863.75;

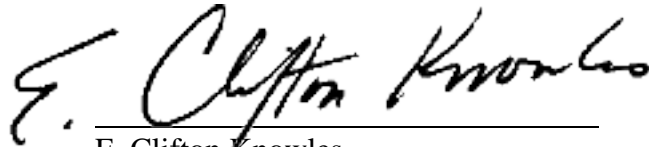
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<sup>1</sup> Plaintiff's proposed Order lists his back pay damages as \$124,417.50. Docket No. 50-1. The Court's notes from the hearing, however, show this amount as \$124,426.50.

(5) Attorneys fees and expenses in the amount of \$15,835.12; and

(6) Prejudgment interest on Plaintiff's back pay award in the amount of \$13,172.71.<sup>2</sup>

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has ten (10) days from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have ten (10) days from receipt of any objections filed in this Report in which to file any response to said objections. Failure to file specific objections within ten (10) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L.Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986).

  
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E. Clifton Knowles  
United States Magistrate Judge

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<sup>2</sup> This is the amount sought in Plaintiff's "Memorandum on Prejudgment Interest" (Docket No. 50-2), which Plaintiff submitted following the hearing.